STATUTORY INSTRUMENTS

1961 No. 973 (S. 60)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1961

Made - - - -	*23rd May*, 1961
Laid before Parliament	*29th May*, 1961
Coming into Operation	*1st June*, 1961

In exercise of the powers conferred on me by sections 42, 72 and 80 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. These regulations may be cited as the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1961, and shall come into operation on the first day of June 1961.

2. The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958(c), shall be amended as follows:—

(1) In paragraph (1) of Regulation 2 for the definition of " the appropriate committee " there shall be substituted the following definition:—

" " the appropriate committee " means the committee recognised by the Secretary of State for the purpose of approving the qualifications set out in these regulations for medical practitioners."

(2) After paragraph (2) of Regulation 3 there shall be inserted the following paragraph :—

" (3) Notwithstanding the provisions of paragraph (1) of this regulation, a person who has the qualifications prescribed for a medical practitioner for the purpose of providing supplementary ophthalmic services in England and Wales under the National Health Service Act, 1946(d), or in Northern Ireland under the Health Services Act (Northern Ireland), 1948(e), shall for the purpose of Part IV of, and the Eighth Schedule to, the Act be deemed to have the qualifications prescribed by paragraph (1) of this regulation."

(3) For Regulations 4 and 5 there shall be substituted the following regulations :—

" 4. A person or body shall for the purposes of the National Health Service (Scotland) Acts, 1947 to 1961, be qualified as an ophthalmic optician if his name, or the name of the body, as the case may be, is included in either of the registers, or in the list, of ophthalmic opticians established under the Opticians Act, 1958(f).

" 5. A person or body shall for the purposes of the National Health Service (Scotland) Acts, 1947 to 1961, be qualified as a dispensing optician if his name or the name of the body, as the case may be,

(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63. (c) S.I. 1958/2048 (1958 II, p. 1562).
(d) 9 & 10 Geo. 6. c. 81. (e) 1948, c. 3. (N.I.). (f) 6 & 7 Eliz. 2. c. 32.

is included in the Register or list of dispensing opticians established under the Opticians Act, 1958."

(4) Regulations 6 and 7 shall be deleted.

(5) Regulaton 8 shall be renumbered 6 and the proviso shall be deleted.

4. The National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948(a), as amended(b), shall be amended as follows:—

(1) In paragraph (1) of Regulation 2 for the definitions of "ophthalmic "medical practitioner"; "ophthalmic optician" and "dispensing optician" there shall be substituted the following definitions:—

""ophthalmic medical practitioner" means a medical practitioner having the prescribed qualifications, being the qualifications prescribed by Regulation 3 of the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958, as amended;

"ophthalmic optician" means an optician qualified in accordance with Regulation 4 of the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958, as amended;

"dispensing optician" means an optician qualified in accordance with Regulation 5 of the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958, as amended."

and for the definition of "optician" there shall be substituted the following definition:—

""optician" means an ophthalmic optician or a dispensing optician or a body corporate carrying on business as an ophthalmic optician or a dispensing optician."

(2) For sub-paragraph (2) of paragraph 8 of Part II of the First Schedule (which Part prescribes Terms of Service for ophthalmic opticians) there shall be substituted the following paragraph:—

"(2) Any remuneration payable under these terms of service to an ophthalmic optician, being a person who is a director or employee of a body corporate providing supplementary ophthalmic services, may be paid by the Council to the body corporate."

(3) In sub-paragraph (1) of paragraph 10 of the said Part II for the words "firm or company" wherever they occur, there shall be substituted the words "or body corporate".

(4) For sub-paragraphs (3) and (7) of the said paragraph 10 there shall be respectively substituted the following sub-paragraphs:—

"(3) The ophthalmic optician for the purpose of testing sight shall employ only a person who is an ophthalmic optician, except that he may permit the test or any part thereof to be performed under his continuous personal supervision by a person authorised to test sight by rules made under subsection (3) of section 20 of the Opticians Act, 1958.

(7) "An employee" for the purposes of this paragraph includes a deputy and, in the case of a body corporate, a director."

(a) S.I. 1948/1450 (Rev. XV, p. 955: 1948 I, p. 2571). (b) S.I. 1950/1603, 1951/861, 1956/41, 1961/915 (1950 I, p. 1559; 1951 I, p. 1412; 1956 I, p. 1612; 1961 II, p. 1761).

(5) For sub-paragraph (2) of paragraph 6 of Part III of the First Schedule (which Part prescribes Terms of Service for Dispensing Opticians) there shall be substituted the following paragraph:—

"(2) Any remuneration payable under these terms of service to a dispensing optician, being a person who is a director or employee of a body corporate providing supplementary ophthalmic services, may be paid by the Council to the body corporate."

(6) In sub-paragraph (1) of paragraph 8 of the said Part III for the words "firm or company" wherever they occur, there shall be substituted the words "or body corporate".

(7) For sub-paragraph (6) of the said paragraph 8 there shall be substituted the following sub-paragraph:—

"(6) "An employee" for the purposes of this paragraph includes a deputy and, in the case of a body corporate, a director."

(8) For Forms II and III contained in the Second Schedule, there shall be substituted the following forms:—

II *Ophthalmic Opticians*

To the .....Joint Ophthalmic Services Committee

I (The company) .....

of .....

hereby undertake to test sight and supply glasses on the terms for the time being in operation in the area of the Committee and apply to have my (the company's) name included in the Ophthalmic List. My (The company's) consulting rooms for this purpose and usual hours of service thereat are:—

Address(es) of Consulting Rooms	*Days and Hours of Service*	
	Days	*Hours*
.....	.....	
.....	.....	

*I am employed by .....

of .....

The registered ophthalmic optician in charge at this (these) addresses(es) is (are)

.....

.....

and his (their) Registration number(s) is (are) .....

My Registration number is .....

The company's enrolment number is .....

Signed .....

Date .....

* To be completed where appropriate.

When completed this form should be sent to the office of the local Executive Council (i.e. the Council for the area in which the optician's premises are situated.)"

"III. *Dispensing Opticians*

To the ..... Joint Ophthalmic Services Committee

I (The company) .....

of .....

hereby undertake to supply glasses on the terms for the time being in operation in the area of the Committee and apply to have my (the company's) name included in the Ophthalmic List. My (The company's) premises for this purpose and usual hours of service thereat are:—

Address(es) of premises	*Days and Hours of Service*	
	Days	*Hours*
.....	.....	
.....	.....	

* I am employed by .....

of .....

The registered dispensing optician in charge at this (these) address(es) is (are)

.....

.....

and his (their) Registration number(s) is (are) .....

My Registration number is .....

The company's enrolment number is .....

Signed .....

Date .....

* To be completed where appropriate.

When completed this form should be sent to the office of the local Executive Council (i.e. the Council for the area in which the optician's premises are situated.)"

Dated this 23rd day of May, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958, by prescribing that the qualifications for ophthalmic opticians or dispensing opticians, or bodies corporate carrying on business as opticians, to provide supplementary ophthalmic services shall be inclusion in the registers or in the list maintained by the General Optical Council under the Opticians Act, 1958.